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SENATE BILL 1055

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO HEALTH; PROVIDING THAT THE DEPARTMENT OF HEALTH MAY CONTRACT WITH AN INDEPENDENT CONTRACTOR TO OPERATE FORT BAYARD MEDICAL CENTER OR TO PROVIDE FOR A REPLACEMENT FACILITY TO BE LOCATED IN GRANT COUNTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Department of Health Act, Section 9-7-6.5 NMSA 1978, is enacted to read:

"9-7-6.5. [NEW MATERIAL] AGREEMENTS FOR OPERATION OF OR CONSTRUCTION OF A REPLACEMENT FACILITY FOR FORT BAYARD MEDICAL CENTER. --

A. Notwithstanding any other provision of state law or rule, the secretary may enter into an agreement, including an agreement with an independent contractor, to:

- (1) operate Fort Bayard medical center or a**

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1 replacement for Fort Bayard medical center in Grant county; or
2 (2) in conjunction with the property control
3 division of the general services department, the state land
4 office or other appropriate state agency, enter into a lease or
5 other long-term use agreement of not more than twenty-five
6 years with an independent contractor for the provision or
7 operation of a facility to be located in Grant county to
8 replace Fort Bayard medical center.

9 B. The provisions of the Procurement Code shall not
10 apply to the procurement of an agreement entered into by the
11 secretary pursuant to this section."

12 Section 2. Section 13-1-98 NMSA 1978 (being Laws 1984,
13 Chapter 65, Section 71, as amended) is amended to read:

14 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE. --The
15 provisions of the Procurement Code shall not apply to:

16 A. procurement of items of tangible personal
17 property or services by a state agency or a local public body
18 from a state agency, a local public body or external
19 procurement unit except as otherwise provided in Sections
20 13-1-135 through 13-1-137 NMSA 1978;

21 B. procurement of tangible personal property or
22 services for the governor's mansion and grounds;

23 C. printing and duplicating contracts involving
24 materials that are required to be filed in connection with
25 proceedings before administrative agencies or state or federal

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1 courts;

2 D. purchases of publicly provided or publicly
3 regulated gas, electricity, water, sewer and refuse collection
4 services;

5 E. purchases of books and periodicals from the
6 publishers or copyright holders thereof;

7 F. travel or shipping by common carrier or by
8 private conveyance or to meals and lodging;

9 G. purchase of livestock at auction rings or to the
10 procurement of animals to be used for research and
11 experimentation or exhibit;

12 H. contracts with businesses for public school
13 transportation services;

14 I. procurement of tangible personal property or
15 services, as defined by Sections 13-1-87 and 13-1-93 NMSA 1978,
16 by the corrections industries division of the corrections
17 department pursuant to regulations adopted by the corrections
18 commission, which shall be reviewed by the purchasing division
19 of the general services department prior to adoption;

20 J. minor purchases not exceeding five thousand
21 dollars (\$5,000) consisting of magazine subscriptions,
22 conference registration fees and other similar purchases where
23 prepayments are required;

24 K. municipalities having adopted home rule charters
25 and having enacted their own purchasing ordinances;

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1 L. the issuance, sale and delivery of public
2 securities pursuant to the applicable authorizing statute, with
3 the exception of bond attorneys and general financial
4 consultants;

5 M contracts entered into by a local public body
6 with a private independent contractor for the operation, or
7 provision and operation, of a jail pursuant to Sections
8 33-3-26 and 33-3-27 NMSA 1978;

9 N. contracts for maintenance of grounds and
10 facilities at highway rest stops and other employment
11 opportunities, excluding those intended for the direct care and
12 support of persons with handicaps, entered into by state
13 agencies with private, nonprofit, independent contractors who
14 provide services to persons with handicaps;

15 O. contracts and expenditures for services or items
16 of tangible personal property to be paid or compensated by
17 money or other property transferred to New Mexico law
18 enforcement agencies by the United States department of justice
19 drug enforcement administration;

20 P. contracts for retirement and other benefits
21 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

22 Q. contracts with professional entertainers;

23 R. contracts and expenditures for litigation
24 expenses in connection with proceedings before administrative
25 agencies or state or federal courts, including experts,

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1 mediators, court reporters, process servers and witness fees,
2 but not including attorney contracts;

3 S. contracts for service relating to the design,
4 engineering, financing, construction and acquisition of public
5 improvements undertaken in improvement districts pursuant to
6 Subsection L of Section 3-33-14.1 NMSA 1978 and in county
7 improvement districts pursuant to Subsection L of Section
8 4-55A-12.1 NMSA 1978;

9 T. works of art for museums or for display in
10 public buildings or places;

11 U. contracts entered into by a local public body
12 with a person, firm, organization, corporation or association
13 or a state educational institution named in Article 12, Section
14 11 of the constitution of New Mexico for the operation and
15 maintenance of a hospital pursuant to Chapter 3, Article 44
16 NMSA 1978, lease or operation of a county hospital pursuant to
17 the Hospital Funding Act or operation and maintenance of a
18 hospital pursuant to the Special Hospital District Act;

19 V. purchases of advertising in all media, including
20 radio, television, print and electronic;

21 W. purchases of promotional goods intended for
22 resale by the tourism department; [and]

23 X. procurement by or through the public education
24 department from the federal department of education relating to
25 parent training and information centers designed to increase

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1 parent participation, projects and initiatives designed to
2 improve outcomes for students with disabilities and other
3 projects and initiatives relating to the administration of
4 improvement strategy programs pursuant to the federal
5 Individuals with Disabilities Education Act; provided that the
6 exemption applies only to procurement of services not to exceed
7 two hundred thousand dollars (\$200,000); and

8 Y. procurement of an agreement, pursuant to Section
9 9-7-6.5 NMSA 1978, to operate Fort Bayard medical center or to
10 provide and operate in Grant county a replacement facility for
11 Fort Bayard medical center. "